

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: COUNTY FACILITIES

DATE: MARCH 4, 2014

COMMITTEE MEMBERS PRESENT:

SUPERVISORS GIRARD
WOOD
MONROE
STROUGH

COMMITTEE MEMBER ABSENT:

SUPERVISOR WESTCOTT

OTHERS PRESENT:

JEFFERY TENNYSON, SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS
FRANK MOREHOUSE, SUPERINTENDENT OF BUILDINGS
KEVIN B. GERAGHTY, CHAIRMAN OF THE BOARD
PAUL DUSEK, COUNTY ADMINISTRATOR
MARTIN AUFFREDOU, COUNTY ATTORNEY

JOAN SADY, CLERK OF THE BOARD
FRANK E. THOMAS, BUDGET OFFICER

SUPERVISORS BEATY
BROCK
CONOVER
DICKINSON
FRASIER
MERLINO
MCDEVITT
SEEBER
SIMPSON
TAYLOR

TRAVIS WHITEHEAD, TOWN OF QUEENSBURY RESIDENT
DAVID MORRISEY, WARREN COUNTY RESIDENT
HARRISON FREER, WARREN COUNTY RESIDENT
DAVID SCHWENKER, WARREN COUNTY RESIDENT
DAVID ALEXANDER, WARREN COUNTY RESIDENT
BRIAN CLEMENTS, QUEENSBURY TOWN BOARD MEMBER
DON LEHMAN, *THE POST STAR*
JON ALEXANDER, *THE POST STAR*
CHARLENE DiRESTA, SR. LEGISLATIVE OFFICE SPECIALIST
FOR ALL OTHERS PRESENT, PLEASE SEE ATTACHED SIGN-IN SHEET

Mr. Girard called the meeting of the County Facilities Committee to order at 10:02 a.m.

Motion was made by Ms. Wood, seconded by Mr. Monroe and carried unanimously to approve the minutes of the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Frank Morehouse, Superintendent of Buildings, who distributed copies of the agenda to the Committee members; *a copy of the agenda is on file with the minutes.*

Commencing the agenda review, Mr. Girard stated the first item pertained to a discussion on the proposed Office of Emergency Services (OES) Equipment and Vehicle Storage Building. Jeffery Tennyson, Superintendent of the Department of Public Works (DPW), pointed out this item had been referred to the County Facilities Committee by the Public Safety Committee in September of 2013. He explained the building would house the command bus, various trailers and trucks for the OES. Copies of a conceptual estimate for the proposed OES Equipment and Vehicle Storage Building were distributed to the Committee members; *a copy of same is on file with the minutes.* Mr. Tennyson apprised the engineers had completed research and determined the best course of action would be

to purchase a pre-engineered roof only steel structure kit. He noted the dimensions of the building would be 75' by 50' and it would be open on the sides with a roof to protect the vehicles and equipment from the elements. He said the total estimate for construction of the building was \$120,000 which did not include the cost of paint, gutters, electrical, pavement or a chargeback to the highway fund for the use of highway personnel. Mr. Girard asked the intended location for the building and Mr. Tennyson replied the building would be erected on the other side of the Buildings & Grounds Shop where the OES command bus was currently parked. Mr. Tennyson commented an electrical panel was already in place at that location and most of the area was already paved. Mr. Girard pointed out that Brian LaFlure, Director of the OES/Fire Coordinator, had been requesting a vehicle storage building for several years because all vehicles were currently stored outside and in the case of an emergency, it was necessary to complete tasks, such as clearing snow off the vehicles before they could be used. Mr. Girard stated Mr. LaFlure preferred the building be located on the Municipal Center Campus. He added other locations had been considered but were determined unsuitable.

Ms. Wood asked the dimensions of the building and Mr. Tennyson reiterated 75' by 50'. He explained the original intent had been for a 100' by 70' building; however, he continued, following discussions it was decided to construct a smaller building which could house the majority of the equipment. He noted some of the smaller OES trailers could be stored in the storage bays by the Probation Department Offices. Mr. Strough asked the time frame for completion of the construction and Mr. Tennyson replied that would depend on the funding source. Mr. Tennyson apprised the engineering involved with developing the specifications and the bid process for the materials should not commence until a source of funding was determined. He commented that Mr. LaFlure had indicated grant funding was not available at this time for the construction of a building although there was grant funding available to rent storage space. Mr. Dickinson asked if the cost estimate had been completed in-house and Mr. Tennyson replied affirmatively. Mr. Dickinson asked if a narrower and longer building had been considered and Mr. Tennyson replied affirmatively. Mr. Tennyson pointed out the cost of the pre-engineered steel structure kit was a relatively small amount of the total cost estimate. Mr. Strough asked if a foundation would be required and Mr. Tennyson replied affirmatively and noted the cost estimate included concrete foundations under each of the trusses. Mr. Strough asked about the need for paving and Mr. Tennyson replied there was a small area by the compactor which would require paving depending on the placement of the building. A brief discussion ensued.

Motion was made by Ms. Wood and seconded by Mr. Strough to refer the matter to the Finance Committee to determine a source of funding.

Travis Whitehead, Town of Queensbury Resident, asked the percentage of the costs that would be covered by grant funding and Mr. Tennyson reiterated there was currently no grant funding available for this type of project. Mr. Whitehead asked what percentage of the cost of the equipment and vehicles to be stored was covered by grant funding and Mr. Girard replied he was unsure; however, he said, he believed the majority of the equipment had been fully grant funded. Mr. Whitehead pointed out this was another example of something that was "free" that was not entirely "free". Mr. Taylor asked if there would be any advantage to coordinating the construction of this building with the proposed expansion of the Courts and Mr. Tennyson replied it would be advisable to be aware of the proposed Court Project when siting the location of the OES Equipment and Vehicle Storage Building; however, he continued, the expansion of the Courts would involve additions to the existing Court areas which would not be effected by the proposed location for the OES buildings.

Mr. Girard called the question and the motion was carried unanimously to refer the matter of the OES Equipment and Vehicle Storage Building estimated at \$120,000 to the Finance Committee to determine a source of funding.

Mr. Morehouse said the Buildings & Grounds staff had been working on ensuring the Municipal Center Campus was ADA (Americans with Disabilities Act) Compliant for the last few months. He informed it had been determined that some of the signage, both inside the Municipal Center and outside, was not ADA Compliant. He advised the cost of bringing the outside signage into compliance was approximately \$3,397 and to bring the inside into compliance the cost would be approximately \$1,115. He explained that bringing the inside into compliance involved marking each Department's location, the meeting and conference rooms and the bathrooms. He further explained the code required every door to be marked at a certain height to the right of the handle with braille. He requested a transfer of funds in the amount of \$4,512.58 from the Contingent Account (A.1990 469) to the Municipal Center Contracts Account (A.1640 470) to cover the cost of bringing the signage inside and outside of the Municipal Center into to ADA Compliant Standards.

Motion was made by Mr. Monroe, seconded by Ms. Wood and carried unanimously to approve the request for a transfer of funds as outlined above and to forward same to the Finance Committee. *A copy of the Request for Transfer of Funds form is on file with the minutes.*

Mr. Girard commented there was a request for an executive session pertaining to the Buildings & Grounds Department which would be delayed until the end of the meeting.

This concluded the Buildings and Grounds portion of the Committee meeting and the Airport portion of the meeting commenced at 10:15 a.m.

Privilege of the floor was extended to Mr. Tennyson, who distributed copies of the agenda packet to the Committee members; *a copy of the agenda packet is on file with the minutes.*

Commencing the agenda review, Mr. Tennyson requested the following:

- ▶ to close the existing Capital Project No. H330.9550 280, Airport Terminal Roof, with an estimated remaining balance of \$58,530.70;
- ▶ to establish a new Capital Project No. H348.9550 280, Airport Equipment Building Repairs, in the amount of \$58,530.70; and
- ▶ to amend the 2014 County Budget to increase estimated revenues and appropriations in the amount of \$58,530.70 to reflect the closing of the Airport Terminal Roof Capital Project and the establishment of the Airport Equipment Building Repairs Capital Project.

Mr. Tennyson explained an intensive rehabilitation of the Terminal roof had been completed and had come in under budget from the original estimates. He advised he wanted to place the remaining funds into a new Capital Project in order to address issues involved in repair of the Airport Equipment Building. He noted pages 4 and 5 of the agenda packet consisted of photos of areas of the Airport Equipment Building which required repair.

Motion was made by Ms. Wood, seconded by Mr. Strough and carried unanimously to close the existing Capital Project No. H330.9550 280, Airport Terminal Roof; establish a new Capital Project No. H348.9550 280, Airport Equipment Building Repairs; and amend the 2014 County Budget as outlined above and to forward same to the Finance Committee. *Copies of the resolution request forms are on file with the minutes.*

Mr. Girard commented the next item on the agenda was Mr. Westcott's proposal to be presented by Mr. Monroe. Mr. Monroe gave a Power Point Presentation on Runway 30, which was reviewed in detail; *a copy of the Power Point Presentation is on file with the minutes*. He clarified the Presentation had been developed by Messrs. Beaty, Westcott and Whitehead; however, he added, since Mr. Westcott could not be in attendance, he had requested the information to be presented by another Committee member. He explained the purpose of the presentation was to explore options for the Runway 30 Obstruction Removal Project. He pointed out that Runway 30 was used by Class A & B aircrafts, which included single and double propeller planes and small jets and noted Ross Dubarry, Airport Manager, had stated Class C & D aircrafts would be "ill advised" to fly into Runway 30. Mr. Monroe mentioned that an avigation easement or purchase of the property was required in order to remove obstructions on private property. He stated Resolution No. 100 of 2011 had authorized negotiations to begin on five parcels not to exceed \$50,000 and Resolution No. 339 of 2013 had authorized \$1,036,300 for the purchase of land and easements. He added the cost had increased from \$50,000 to over \$1 million in two years time.

Continuing review of the Power Point Presentation, Mr. Monroe advised there were four options for the Runway 30 Obstruction Removal Project, which he listed as follows:

- Option 1. continue with the land and easement purchases;
- Option 2. pursue new easement rights only;
- Option 3. assert existing easement rights; and
- Option 4. shorten Runway 30.

Pertaining to Option 1, continuing with the land and easement purchases, Mr. Monroe reviewed a chart which detailed cost estimates, appraisal values, assessment values and offers for the three property owners from 2011 until present. He presented information explaining that the FAA (Federal Aviation Administration) and AIP (Airport Improvement Program) grant funding was derived from compulsory taxes on airline tickets, fuel sales and air freight charges and therefore was funded by taxpayers. Concerning Option 2, pursuing new easement rights only, Mr. Monroe reviewed a chart entitled "Runway 30 Opinion of Easement Acquisition Costs" which was based on a 2009 C&S Engineers, Inc. Report. Regarding Option 3, asserting existing easement rights, Mr. Monroe said the group that researched the Power Point Presentation noted there was a strong argument made to enforce the existing easements through litigation. He displayed excerpts from the Riley Land Grant Easement and Chartrand Land Deed, as well as copies of the original documents to the Committee members. Pertaining to Option 4, shortening Runway 30 (displacing the threshold), Mr. Monroe pointed out this option had first been suggested in the 2002 Master Plan. He said shortening Runway 30 by 500 feet would move the RPZ (Runway Protection Zone) onto Airport property, no longer crossing a public highway and increase the clearance of all obstructions to 25 feet. Mr. Monroe reviewed two maps, a chart and an illustration which detailed the obstruction clearance result of shortening Runway 30. He reviewed two emails from Steve Urlass, of the FAA, regarding the possibility of shortening Runway 30 and displacing the threshold. In conclusion, Mr. Monroe advised the Power Point Presentation showed there was more than one option available for the Runway 30 Obstruction Removal Project.

Mr. Dickinson advised he had recently visited Key West and engaged in conversations with pilots about landing aircrafts at the Airport in Key West which involved locking the wheels as soon as they touched down and skidding to a stop. He opined that extending the runway was crucial to the future of Warren County. Mr. Whitehead commented the runway at the Key West Airport was suitable for landing 737's and the length of the runway was shorter than the current length of Runway 1. Mr. Dickinson stated it was impossible to know what the future would bring but he did not want to look back and regret not taking the opportunity to lengthen Runway 1.

Mr. Beaty thanked Mr. Monroe for reviewing the Power Point Presentation with the Committee members and said he appreciated the opportunity to explore all of the available options. He stated it was important to review all of the options and do what was in the best interest of the County. He commented all of the options had not been properly vetted and he felt there was a way to maintain safety standards and explore the easement rights with less cost to the taxpayers. He advised he had received calls from County residents inquiring about the other options available. Mr. Beaty said Option 1 involved purchasing 53 acres in Washington County which concerned many Warren County taxpayers. He added this option required Warren County to become a taxpayer in Washington County and would take additional land off the tax rolls in Warren County. Pertaining to the previously mentioned Key West Airport, Mr. Beaty commented that seven commercial airlines utilized this airport which had a shorter runway than the current length of Runway 1 (5,000 feet).

Mr. Taylor opined the Floyd Bennett Memorial Airport should not be compared to the Key West Airport which did not have a lot of trees to contend with. Pertaining to Option 3, Mr. Taylor stated the chances of winning in court without the missing 1943 map were very slim and he asked the County Attorney's opinion on the matter. Martin Auffredou, County Attorney, said it was his opinion that the chances of winning without the map were slim, as he had voiced at the January 30, 2014 Committee meeting. He stated it would be difficult to explain to a judge that Warren County had easement rights on a property when the easement referred to a map that was missing. He reminded the Committee members that a diligent search had been conducted to locate the map, to no avail.

David Morrissey, Warren County Resident, asked for clarification on the two emails from Mr. Urlass, one of which mentioned a 470 foot displacement of the threshold and the other referred to a 1,500 foot displacement of the threshold. He asked which of these two options was being considered as Option 4 for shortening Runway 30. Mr. Beaty responded it was difficult to obtain specifics from the FAA; however, he continued, for the sake of transparency both emails were included in the presentation. Mr. Morrissey asked if the costs associated with shortening Runway 30 had been determined. Mr. Whitehead responded that he had been informed it could be as simple as repainting and removing lighting; however, he continued, he had also been told that the pavement would need to be upgraded to hard pack. He noted the only mention of the 1,500 foot displacement had been in Mr. Urlass' email and the 470 foot displacement was included in the 2002 Master Plan.

Concerning Mr. Beaty's comment regarding becoming land owners in Washington County, Mr. Morrissey asked if Option 1 was taken, would the County have the right to re-sell the excess land and retain any proceeds and Mr. Auffredou replied affirmatively. Mr. Auffredou said it was his understanding that the FAA encouraged airports to acquire additional lands or flank lands in order to control the height of the development of those lands. He explained the FAA would take the position that once the lands were acquired by the County, they could in turn work with the local EDC (Economic Development Corporation) or IDA (Industrial Development Agency) to sub-divide and develop the lands with certain deed restrictions, such as restricted usage and building heights.

Harrison Freer, Warren County Resident, distributed a handout entitled "Floyd Bennett Warren County Airport Update" to the Committee members; *a copy of the handout is on file with the minutes*. Mr. Freer said there had been questions pertaining to the need to clear trees and this document had been completed as a result. Pertaining to Runway 1, he explained the trees would be cleared to improve safety while allowing the standard precision approach minimums of a 200' ceiling and ½ mile visibility on the Instrument Landing System (ILS). With the current tree obstructions, he continued, a Decision Height (DH) of 389' was required which was almost double the minimum ceiling requirement. He added the one mile visibility was double the standard ILS requirement. Pertaining to Runway 30, Mr. Freer pointed out that as the obstructions grew, the FAA

would increase the precision approach minimums. He pointed out the current DH of Runway 30 was 695' with a one mile visibility for most small planes and a two mile visibility for faster planes. Mr. Freer stated it disturbed him to see people designing approaches in Committee meetings because TERPS (Terminal Instrument Procedures) was a 480 page mathematically rigorous algorithm set of rules for designing approaches and airports. He apprised the notion that the RPZ was required to be part of the County was not substantiated by any of the TERPS rules and regulations. He noted the RPZ was for the protection of the people on the ground and ensured there were sufficient safety margins. He opined removing the tree obstructions in order to decrease ILS minimums better served the Airport. Mr. Freer voiced his opinion that statements quoted from the Airport Manager were taken out of context. In response to a prior comment that faster planes could not land on Runway 30, Mr. Freer said faster planes could land but would require higher ILS minimums. He commented the Airport Manager had made a previous statement about the inability of Gulf Streams to land on Runway 30 and Mr. Freer said this was not due to the length of the runway but had more to do with the surface not being as hardened (weight bearing) as Runway 1. He opined most of the information presented was inaccurate and misleading.

Mr. Whitehead agreed the RPZ was for the protection of people on the ground which was why the FAA did not like highways running through the RPZ. He commented all of the solutions continued to have the RPZ cross Queensbury Avenue and the FAA preferred not to have that happen. Up until one to two years ago, he continued, it was a matter of preference but now the FAA was required to sign off on disturbances to the RPZ. At the January 30, 2014 Committee meeting, Mr. Whitehead said, Chris Brubach, of C&S Engineers, Inc., was asked which type of aircraft could utilize Runway 30 and had replied that Class A & B aircrafts were permitted to land on Runway 30. Mr. Whitehead apprised the reason was because the RPZ was 1,000 feet in length and Class C & D aircrafts required an RPZ which was at least 1,700 feet in length. Mr. Freer mentioned there were compatible uses for RPZ's and he added you could not build hospitals, schools, etc. inside the RPZ. He added it was very common to have roads run through the middle of an RPZ. He said he was unsure where the notion that Class C & D aircrafts were not allowed to land on Runway 30 had arisen from, but it was incorrect.

Dr. David Schwenker, Warren County Resident, stated he had been involved in aviation safety for approximately 40 years and he pointed out a deficit in the analysis was what the safety impact was to delaying the removal of the obstructions or changing the runway. He said the FAA had a large database and there was a lot of information on the types of accidents which could occur. He commented that some of the accidents at the Airport had been runway excursion accidents. He opined shifting the threshold of Runway 30 would increase the back taxi conflict, as there was no taxiway off the far end of the runway. He said aircrafts back taxiing as another aircraft was attempting to land was a major safety issue. In reference to Mr. Whitehead's comment on the Key West Airport, Dr. Schwenker stated the 737 was a high performance airplane in terms of landing; however, he continued, there had been an accident with a 737 at Midway several years ago, where someone had been killed when a Southwest Airlines 737 overran the runway and hit a vehicle. As a result of that accident, he noted, the FAA had changed the landing requirements for commercial operators by adding 15% to the previous minimum landing distances.

Mr. Beaty mentioned most of the comments pertained to Option 4, shortening Runway 30, and he asked the Committee members to not lose sight of the other options presented. He apprised eminent domain was an option for obtaining the necessary land. He commented Mr. Chartrand had refused to sell easement rights and wanted the County to purchase the entire parcel at a cost of \$855,300. He stated shortening Runway 30 was the last option but there were other options which should be pursued. He said he wanted an open and honest discussion of all the available options.

He acknowledged it would be necessary to spend money to purchase easement rights but he felt there were less expensive options than spending in excess of \$1 million and becoming a land owner in Washington County. Mr. Beaty informed of a night meeting to be held on Wednesday March 12, 2014 at 6:00 p.m. at Crandall Public Library and he encouraged all interested parties to attend.

David Alexander, Warren County Resident, said he was a pilot and did not consider shortening Runway 30 to be a viable option. He explained Runway 30 was mostly used in inclement weather and he added he had landed on Runway 30 in winds in excess of 25 knots per hour. He apprised in conditions where the wind was gusting, you wanted as much pavement in front of you as possible when landing. He commented the other options might be worth looking into but he did not see shortening something that was already in existence as an option. In response to prior comments that the Airport Operating Budget of approximately \$900,000 was too large, Mr. Alexander stated the Airport gave back to the community at least that amount on an annual basis. He said the State had conducted a study in 2012 pertaining to the economic impact generated by the Airport and the figures far exceeded \$900,000 per year. He opined the Airport was a beautiful, valuable asset. Mr. Alexander pointed out the grant funding received from the FAA was for aviation and could not be used for any other purpose.

Mr. Whitehead commented that Dr. Schwenker made a good point regarding the taxiway on Runway 30. He stated there were many deficiencies in virtually all airports which he said were pointed out when it was convenient. He said there had been no mention of the fact that Runway 30 did not have a taxiway or that the FAA did not approve of no taxiways or intersecting runways. He opined there were a lot of issues and tree obstructions was only one of these issues. In regards to the missing 1943 map and Mr. Auffredou's statement that it would be difficult to win a court case without it, Mr. Whitehead said the land in question had been transferred from Mr. Chartrand to Mr. Cahill in 2007 and in the deed the border of the property was defined by referring to the missing map. He questioned if anyone with experience with boundary and title disputes had been asked to take a look at this issue.

Mr. Monroe stated it seemed clear that it was to the advantage of the property owners that the County could not locate the 1943 map and he wondered if there had been communication from them indicating that they were not in possession of the map. He questioned the possibility of obtaining the map through discovery if the County initiated litigation. Mr. Auffredou responded he had conversed with Mr. Chartrand as part of the search for the map. He said Mr. Chartrand had been very forthright when he indicated he had never seen the map and had offered suggestions on where the map might be found. Mr. Auffredou continued by saying he had not spoken to the other two property owners although he had spoken to one of their attorneys; however, he mentioned, Mr. Dubarry had spoken directly with the other two property owners. He added the two former Airport Managers that preceded Mr. Dubarry had contacted all of the property owners. Mr. Auffredou stated the County could commence litigation but he did not believe it would be fruitful. He advised there was a prior resolution which had authorized litigation and he felt that resolution should be rescinded. He informed the map had never been filed in the County Clerk's Office as directed by the deed, in either Warren or Washington Counties. He reminded the Committee members he had a letter from Albert Beswick, Wfarren County Attorney in 1955, who indicated that he had never seen the map. Mr. Auffredou said he was unsure if the map was missing or if it was never produced. He apprised the fact that the map was referenced in a deed could not be used to enforce the County's easement rights. He said he could not give an explanation on how the missing map was used to describe boundary lines for the 2007 deed as he had not been a party to the transaction. He added that in his opinion the fact that the missing map was used for the 2007 deed did not give the County any enforcement for the easement rights. Mr. Monroe commented that even if the map was located

there could be a dispute as to whether it was the map that was intended to be filed in the County Clerk's Office. Mr. Auffredou said several maps had been found during his search, including maps that showed the Riley parcel and bordering parcels but there was no map located which was the one referred to in the documents. He opined the 1943 map was absolutely indispensable to enforce the County's easement rights.

Mr. Monroe asked if it was determined that acquiring the easement rights only would satisfy the FAA, could the easement rights be obtained through eminent domain if necessary and Mr. Auffredou replied affirmatively. Mr. Auffredou said his understanding of the FAA's position was that they would prefer the County to continue pursuing the project as proposed, which included the acquisition of the additional lands and easements. Mr. Monroe asked if it was possible to acquire only portions of the property through eminent domain. Mr. Auffredou responded the County could acquire whatever they needed through the eminent domain process; however, he continued, the concept was that the lands should be obtained because there was grant funding available to acquire them and the FAA policy was for the municipality to have control over the future development of the lands. He added the property could be sold in the future on their terms for development the County believed was appropriate for those lands, taking into consideration the RPZ, flight patterns, etc.

Ms. Wood agreed with Mr. Auffredou's assessment of the FAA's position on acquiring the land to control future development. She stated eminent domain should only be considered as a last resort. She opined the property owners had rights, they paid taxes on and owned the property and for the County to initiate eminent domain proceedings without it being absolutely necessary was something that she would not be in support of. She acknowledged this had been a long process but the County had done their due diligence and she supported proceeding on the current path. She said the discussion today had been interesting but she had not heard anything that changed her position.

Mr. Strough agreed with Mr. Alexander's statement and said in heavy winds the pilots would be thankful for the length of Runway 30. He mentioned the longer runway was more desirable, safer and would accommodate more types of aircrafts. He opined now was not the time to create an Airport which was less than what we currently had. He stated an improved Airport would improve the County's economic options. Shortening Runway 30, he continued, would diminish the value of the Airport and the economic impact the Airport could have. He commented that he appreciated the options presented and he acknowledged he had listened to the background discussions on this topic; however, he continued, he felt the bottom line was that the cheapest, most cost effective option for the County was the option to purchase the Chartrand property. Mr. Strough questioned the value of Mr. Chartrand's property afterwards, if the County used eminent domain in order to acquire the easement. He noted the County would be taking away a great value to a taxpayer's private property if eminent domain was used and he did not feel this was the way to proceed. He said the property was large and there were flanking properties which could be sold, developed and zoned for industrial purposes. Mr. Strough opined the best option was to purchase the Chartrand property which he asserted would have almost no impact on the Warren County taxpayers. He added if the County sold the flanking properties there might be a profit, thereby bringing a benefit to the Warren County taxpayers. Mr. Strough said he understood the argument that FAA grant funding was also taxpayer money but he opined using Federal grant funding to make the County more economically viable was the option he would choose.

Mr. Beaty informed Columbia County was facing a similar issue with the exception of the missing map. He said the FAA had told Columbia County they would have increased economic development if they expanded their runway from 4,700 to 5,000 feet, so they expanded it. He commented engineers had convinced Columbia County that expanding the runway even further would bring in

more jets, so they expanded from 5,000 to 5,350 feet. He asserted that Columbia County was told by the FAA that they now needed to expand the RPZ. He noted the bi-partisan politicians of Columbia County questioned the expenses, as the economic development showed little change. Mr. Beaty said he appreciated Mr. Strough's comments but these were tough economic times and it was important to spend every tax dollar in the most economic fashion possible. He reiterated his opposition to buying 53 acres in Washington County. He said Mr. Chartrand purchased some of the land from the County at \$2,000/acre in September of 2013 when he purchased 20 acres for \$40,000. He added the County would be purchasing that land for over \$12,000 per acre. Mr. Beaty stated that as a businessman, a taxpayer and a County Supervisor he had a real issue with that concept. He said he was opposed to purchasing the land and noted there were other options. He apprised Mr. Chartrand wanted to sell the property for considerably more than the assessed value and retain the 2 acres of property around his home. He explained the current taxes on the property were approximately \$3,800; however, he added, when Washington County reassessed the property after the sale, the assessed value would increase along with the taxes. In closing, Mr. Beaty thanked the Committee members for allowing discussion on the options presented.

Mr. Auffredou informed that in his conversations with the FAA and the New York State Department of Transportation (NYS DOT) he had asked questions pertaining to the appraisals. He said he had asked if the appraisals were prepared by appraisers who were certified or who were acknowledged by the FAA as suitable for preparing appraisals and the answer was affirmative. He apprised that certain criteria, certifications and educational requirements had to be met in order to complete these appraisals. He advised he had asked if there were any concerns or issues with respect to the appraisals and there had been none. He informed that a lot of work had been done on this project and he wanted to make it clear that the FAA had no concerns or issues with the appraised values. Mr. Auffredou stated the FAA had cautioned not to confuse assessed values with appraised values for the purposes of FAA acquisitions and NYS DOT appraisals.

Mr. Taylor agreed with Ms. Wood as he believed in the rights of the property owners and disagreed with the eminent domain process. He informed the County had not sold 20 acres to Mr. Chartrand at \$2,000 per acre, that sale was through the Warren Washington Counties Industrial Development Agency. He explained the land had been declared surplus and had been heavily wooded with no access except by a right-of-way through someone else's private property. Mr. Taylor opined there would be no decrease to Warren County taxes by not taking the available FAA grant funding. He stated Warren County taxpayers were being led to believe that the County was using "their" tax dollars to expand Runway 30. He noted if Warren County did not accept the FAA grant funding, the money would be expended in another municipality. Concerning Mr. Beaty's comment regarding Warren County becoming a taxpayer in Washington County, Mr. Taylor acknowledged the statement was probably true but he pointed out that both Counties had a joint interest in the development of the Airport and Warren County could request the taxes be waived.

Mr. Freer commented the FAA would not pay more for a property than the appraised value determined by the NYS DOT. Mr. Monroe asked the equalization rate in the Town of Queensbury and Mr. Auffredou replied he believed it was approximately 80% to 85%. Mr. Monroe commented there was a significant difference between the assessed value (\$120,600) and the appraised value (\$855,300) for the Chartrand property. He acknowledged the full value of properties was usually somewhat higher than the assessed value. He added if the equalization rate for Queensbury was 80% then the full value of the property would be approximately \$150,000 and there remained a significant discrepancy between the assessed or full value and the appraised value. He said he understood the appraised value was probably based on the highest and best use but he asked if there was any explanation for the significant difference. Mr. Auffredou responded he believed it was

based upon the criteria used by the FAA and NYS DOT to value properties which were being acquired for these purposes. Mr. Whitehead said he shared the concerns when it came to the issue of property rights; however, he reminded the Committee members that in 1944 the County had paid \$1,200 for the easement rights, forever. He said he understood there was a missing piece of information but he believed a judge would still be able to make sense of the issue. He implored the Committee members to at least look into the issue of enforcing the current easement rights.

Mr. Strough stated Counties were allowed tax exemptions and the improved Airport would benefit Washington County. He agreed with Mr. Taylor that Warren County should request the taxes be waived. He advised when comparing airports it was important to look at the unique geo-political situation of Warren County. He continued by saying the location of the Airport included assets, such as Lake George, Saratoga, Global Foundries, an interstate, the Adirondack Park, etc. He said these assets made it a unique situation and it would be unfair to compare the Airport to other airports in different situations.

Mr. Girard apprised the Committee members had listened to the presentation and the comments made by interested parties. He asked the desire of the Committee members on whether or not to proceed with the Runway 30 expansion.

Motion was made by Ms. Wood and seconded by Mr. Strough to proceed on the current path to expand Runway 30, which included the purchase of land and easements as outlined in Resolution No. 339 of 2013.

Motion was made by Mr. Monroe to table the motion until Mr. Westcott could be present but the motion failed due to lack of a second.

Mr. Girard called the question and the motion was carried unanimously to proceed on the current path to expand Runway 30, which included the purchase of land and easements as outlined in Resolution No. 339 of 2013.

Continuing with the agenda review, Mr. Tennyson said the next item was an update on the Runway 1 Obstruction Removal Project. He reminded the Committee members that at the January 30, 2014 Committee meeting, Paul Kilmartin, resident of the Town of Queensbury (owner of 247 Queensbury Avenue), had voiced his concerns with the number of trees that had been cleared around his property. Mr. Tennyson stated he felt some of the confusion had been with the definition of the Selective Clearing which had been done around Mr. Kilmartin's property. He noted the agenda packet included a memo from Mr. Brubach, of C&S Engineers, Inc. which included a definition of Selective Clearing, as follows:

Selective Clearing shall consist of removal of all trees and vegetation greater than 20 feet in height to ground level. The intent of this option is to leave the existing understory, brush, bushes and smaller vegetation undisturbed as best as possible. No grubbing or grading shall take place in areas of Selective Clearing.

Mr. Tennyson stated a C&S Engineers, Inc. Inspector had been on site on a weekly basis since the project started and this Inspector had coordinated directly with Mr. Dubarry and Mr. Brubach. He explained he, Mr. Dubarry, Mr. Brubach and the Inspector had reviewed the work on site and verified the work completed by the contractor was in compliance with the contract documents and was in keeping with the Environmental Assessment Review which had been completed. He commented the work completed had also been reviewed by the FAA Environmental Specialist who had verified it was in compliance. Mr. Tennyson stated nothing improper had been done on the site

and all of the work was completed on County property. He said he had conveyed to Mr. Kilmartin, multiple elected officials and anyone else interested in the project that they were reviewing the planting which would be completed in the Spring. Mr. Tennyson explained the plan for the project included planting of evergreens along Queensbury Avenue and both north and south of the Kilmartins' property. He anticipated the planting to occur in late May through early June. He said he had informed the Kilmartins that, to the extent possible within the confines of the project budget and the FAA requirements, they were looking at enhancing the planting plan with larger nursery trees and an increased number of trees around the area of their home. He noted the intent was to utilize the available grant funding to cover the cost of the planting and he added the original plan had come in under budget, allowing some flexibility. He commented all involved parties were on board with the concept of enhancing the planting plan and doing what they could to mitigate the concerns of Mr. and Mrs. Kilmartin. He mentioned the evergreen trees would provide the Kilmartins with a year round barrier.

Mr. Girard asked Brian Clements, Queensbury Town Board Member, if he had any comments or concerns regarding the Selective Clearing which had been done around Mr. Kilmartin's property. Mr. Clements said he appreciated Mr. Tennyson's remarks. He stated that everyone who had received a copy of his letter and the attached information knew there were certain areas on Queensbury Avenue and around the Kilmartins' property which should have been left as buffers and not clear cut. He quoted the Environmental Assessment Review, as follows:

Rather hand cutting and/or tree tapping girdling is specified in order to protect all vegetative layers not scheduled for removal. While this is a more labor demanding method, with associated higher costs and maintenance, it is sensitive to wetland function, values and to property avarice.

Mr. Clements mentioned he had brought with him today, before and after photos of the area, specifically around the Kilmartins' property. He requested for the sake of the Kilmartins that any remedy suggested be extremely detailed in the areas to be re-forested including the number of trees, heights, types and densities. He asked that the information be given directly to the Kilmartins. Mr. Clements informed he had received a voicemail from Chairman Geraghty, which he had appreciated, stating that the issue was being addressed. He questioned the responsible party from the County for overseeing the work of the contractors that removed the trees and vegetation around the Kilmartins' property. He asked what specifically would be done to regress the damages done to the living conditions and the quality of life of the Kilmartins. He inquired if Warren County would hold the contractor liable for work completed in direct violation of the conditions set forth in the Environmental Assessment Review and if so, to what extent. Mr. Clements commented he appreciated the intention to enhance the planting plan and he felt the evergreen trees would make a better buffer.

In answer to Mr. Clements' questions, Mr. Tennyson explained the contractor was contracted with Warren County and the County representative for administering the contract was Mr. Dubarry who reported to him, as he reported to the Board of Supervisors. He clarified that he and Mr. Dubarry were the County representatives who were managing the contract. He noted C&S Engineers, Inc. was also involved in the administration of the contract and they inspected the site on a weekly basis. Pertaining to the question concerning holding the contractor liable, Mr. Tennyson stated the work had been reviewed and the contractor had done nothing that was in violation of the contract documents. He asserted that he believed the confusion had stemmed from a lack of communication regarding the definition of Selective Clearing. He added the requirements had been that every tree in excess of 20' in height be removed. He mentioned the area had not been maintained for several

years and the trees had become very tall and thin. He commented he had accompanied Chairman Geraghty on a site walk-through last week and the contractor had left one lone tree in the middle of the field in order to show that the trees had been tall and thin with no canopy. He added the remaining tree would need to be removed because it was in excess of 20' tall. Regardless of the intent of the buffer, he continued, the only trees which remained were those under 20' tall. Mr. Tennyson stated the current planting plan listed very specific details, such as densities, and had been reviewed with Mrs. Kilmartin at the beginning of the project. He apprised they were looking at the planting plan again and there was some flexibility. He said the intent was to maximize the use of the FAA grant funding to enhance the planting around the Kilmartins' house and he believed Mr. Kilmartin would be satisfied with the outcome. Mr. Tennyson mentioned there were areas close to the Kilmartins' property which had not been cleared and a buffer had been left. He pointed out the existing fence line around the Kilmartins' property was about 10 feet onto County property and no cutting was completed outside of the fence line on both the west side and the north side of the Kilmartins' property. He advised the area to the south of the Kilmartins' property, where there was a triangle shaped parcel, was cut. He noted this area was outside of the fence line but on County property. He said the planting plan would cover the entire distance of the area along Queensbury Avenue and both the north and south side of the Kilmartins' property.

Mr. Clements acknowledged there was a misunderstanding from the beginning regarding the difference between Selective Cutting and Clear Cutting. He said in order to ensure there were no further misunderstandings, he was requesting copies of the original and enhanced planting plans be given directly to Mr. Kilmartin. Mr. Tennyson replied that he would provide a copy of the original plan and he noted the enhanced plan was currently being developed. Mr. Tennyson added he was requesting pricing from the contractor to determine the necessary Change Order amount. He noted the enhanced planting plan would be provided upon completion.

Mr. Whitehead said questions had been asked of the New York State Department of Conservation before the cutting commenced in order to determine if the cutting should be permitted. He quoted C&S Engineers, Inc. response to questions concerning the cutting, as follows: *the obstruction lights and trees to remain along Queensbury Avenue as a mitigation measure are outside of the TERPS surfaces used to analyze the approach procedures and associated minimums.* Mr. Whitehead stated if the trees were outside of the TERPS surfaces, he was unsure why the heights in excess of 20 feet would apply to that area. He quoted an email from Tara Kilmartin to Mr. Dubarry dated March 5, 2013, as follows: *You were going to check as to whether the triangular piece to the south of our property was going to be cleared or a buffer was going to be left.* Mr. Whitehead continued by saying Mr. Dubarry had responded to the email a couple of hours later and he quoted the email response, as follows: *Because a row of trees must remain along Queensbury Avenue for the Environmental Assessment conditions, I'm not sure how I can justify purchasing property, etc.* Mr. Whitehead quoted language from the 2007 Environmental Assessment Review pertaining to the trees remaining, as follows: *The use of lights will restrict vegetation removal around a historic structure will also allow a buffer of trees to be preserved along Queensbury Avenue to shield existing residences from airport operations.*

Pertaining to pending items and referrals, Mr. Tennyson commented he did not have any updates on these items.

Chairman Geraghty said there had been prior discussions about placing solar well sites on County property, specifically at Countryside Adult Home. He informed that Cornell Cooperative Extension was working with a solar vendor. He suggested a possible collaboration between the County and

Cornell Cooperative Extension for this project and the possibility of scheduling a meeting to that end within the next month. A brief discussion ensued.

Mr. Auffredou commented the Committee would need to enter into a brief executive session to discuss confidential matters pertaining to a particular former employee of the DPW.

Motion was made by Mr. Strough, seconded by Ms. Wood and carried unanimously that executive session be declared pursuant to Section 105 (f) of the Public Officers Law.

Executive session was held from 11:44 a.m. until 11:54 a.m.

Upon reconvening, Mr. Girard noted that no action had been taken during the executive session.

As there was no further business to come before the County Facilities Committee, on motion made by Mr. Monroe and seconded by Mr. Strough, Mr. Girard adjourned the meeting at 11:55 a.m.

Respectfully submitted,
Charlene DiResta, Sr. Legislative Office Specialist